

PUBLIC SAFETY DEPARTMENT[661]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 103A.7, the Building Code Commissioner, with the approval of the Building Code Advisory Council, hereby gives Notice of Intended Action to amend Chapter 301, “State Building Code—General Provisions,” Iowa Administrative Code.

Iowa Code section 103A.7 authorizes the Building Code Commissioner, with the approval of the Building Code Advisory Council, to adopt provisions of the State of Iowa Building Code, including those relating to the installation of equipment and to the protection of the health, safety, and welfare of occupants and users. The Building Code Commissioner has authority to require installations of fire protection equipment in construction subject to the State of Iowa Building Code. As part of the general adoption of new editions of nationally recognized codes which are adopted by reference within the State Building Code, effective January 1, 2010, requirements were included to provide that all newly constructed one- and two-family residences and townhouses be equipped with fire sprinklers. These requirements were amended to delay the implementation date after which sprinklers would be required until January 1, 2013.

During its 2010 Session, the Iowa General Assembly adopted 2010 Iowa Acts, Senate Joint Resolution 2009, which nullified “portions of 661 Iowa administrative code, rule 301.8, that adopt by reference sections R313.1 and R313.2 of the international residential code, 2009 edition, and that amend sections R313.1 and R313.2, by deleting and inserting in lieu thereof and providing exceptions thereto.” Sections R313.1 and R313.2 of the International Residential Code, 2009 edition, are the sections which require the inclusion of sprinklers in new townhouse construction (section R313.1) and in one- and two-family residences (section R313.2). The rule making proposed here rescinds the whole of rule 661—301.8(103A) in which the International Residential Code, 2009 edition, is adopted by reference and readopts the International Residential Code, 2009 edition, with all of the amendments originally adopted except that the two sections which require installation of residential sprinklers are deleted. In addition, two amendments to the adoption of the 2009 edition of the International Residential Code which were not included in its previous adoption are added; these restore fire safety-related provisions from the previous (2006) edition of the International Residential Code which were lessened in the 2009 edition because the inclusion of sprinkler systems in new residential construction was assumed.

Any interested person may comment on the amendment proposed herein. Comments may be sent by mail to Agency Rules Administrator, Iowa Department of Public Safety, 215 East 7th Street, Des Moines, Iowa 50319; by fax to (515)725-6195, or by E-mail to admrule@dps.state.ia.us. Comments must be submitted by 4:30 p.m. on July 5, 2010.

A public hearing will be conducted at 10 a.m. on July 6, 2010, in the First Floor Public Conference Room (Room 125) of the State Public Safety Headquarters Building, 215 East 7th Street, Des Moines. Any person may request to speak at the hearing; persons wishing to speak are advised to contact the Agency Rules Administrator by E-mail to admrule@dps.state.ia.us at least one day prior to the hearing.

Provisions of the State Building Code are subject to procedures for approval of alternate materials and methods of construction, as set out in Iowa Code section 103A.13, rather than to a waiver process.

Portions of this amendment were Adopted and Filed Emergency and became effective May 1, 2010. The Adopted and Filed Emergency rule making is published herein as **ARC 8771B**.

This amendment is intended to implement Iowa Code section 103A.7 and is consistent with 2010 Iowa Acts, Senate Joint Resolution 2009.

The following amendment is proposed.

Rescind rule 661—301.8(103A) and adopt the following **new** rule in lieu thereof:

661—301.8(103A) Residential construction requirements. The provisions of the International Residential Code, 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041, are hereby adopted by reference as the requirements for construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures, with the following amendments:

Delete section R101.1.

Delete sections R103 to R114 and sections therein.

NOTE: The values for table R301.2(1) shall be determined by the location of the project and referenced footnotes from table R301.2(1).

Delete chapter 11.

Delete all references to the “International Plumbing Code” and insert in lieu thereof “state plumbing code.”

Delete section R302.2 and insert in lieu thereof the following new section:

R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of section R302.1 for exterior walls.

EXCEPTION: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. Electrical installations shall be installed in accordance with chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with section R302.4.

Delete section R302.2.4 and insert in lieu thereof the following new section:

R302.2.4 Structural independence. Each individual townhouse shall be structurally independent.

EXCEPTIONS:

1. Foundations supporting exterior walls or common walls.
2. Structural roof and wall sheathing from each unit may fasten to the common wall framing.
3. Nonstructural wall coverings.
4. Flashing at termination of roof covering over common wall.
5. Townhouses separated by a common 2-hour fire-resistance-rated wall as provided in section R302.2.

Delete section R310.1 and insert in lieu thereof the following new section:

R310.1 Emergency escape and rescue required. Basements and every sleeping room shall have at least one operable emergency and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above an adjacent permanent interior standing surface. The adjacent permanent interior standing surface shall be no less than 36 inches wide and 18 inches deep and no more than 24 inches high. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

EXCEPTION: Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m²).

Delete section R313.1.

NOTE: Deletion of section R313.1, which would have required the installation of sprinklers in newly constructed townhouses, is consistent with 2010 Iowa Acts, Senate Joint Resolution 2009.

Delete section R313.2.

NOTE: Deletion of section R313.2, which would have required the installation of sprinklers in newly constructed one- and two-family residences, is consistent with 2010 Iowa Acts, Senate Joint Resolution 2009.

Amend section R322.1.7 by striking the words “Chapter 3 of the International Private Sewage Disposal Code” and inserting in lieu thereof “567 Iowa Administrative Code Chapter 69.”

Delete section R907.3 and insert in lieu thereof the following new section:

R907.3 Recovering versus replacement. New roof coverings shall not be installed without first removing all existing layers of roof coverings where any of the following conditions exist:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood shake, slate, clay, cement or asbestos cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.

Delete chapter 24 and sections therein and insert in lieu thereof the following new section:

All fuel gas piping installations shall comply with rule 661—301.9(103A).

Delete chapters 25 to 33 and sections therein, except for section P2904, and insert in lieu thereof the following new section:

All plumbing installations shall comply with the state plumbing code as adopted by the state plumbing and mechanical systems board pursuant to Iowa Code chapter 105.

EXCEPTION: Factory-built structures, as referenced by Iowa Code section 103A.10(3), that contain plumbing installations are allowed to comply with either the state plumbing code or with the International Plumbing Code, 2009 edition, published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041. The manufacturer’s data plate must indicate which plumbing code was utilized for compliance with this rule, as required by 661—paragraph 16.610(15) “e.”

Delete chapters 34 to 43 and sections therein and insert in lieu thereof the following new section:

All electrical installations shall comply with National Electrical Code, 2008 edition, as amended by rule 661—301.5(103A).

Delete appendices A through Q.